

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

ETHAN EUGENE DORSEY, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09-cv-00932-CLS-HGD
)	
CHARLES BAILEY,)	
)	
Defendant.)	

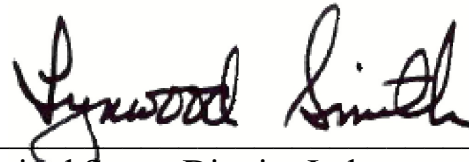
MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on August 19, 2011, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be granted and this action be dismissed with prejudice. The plaintiff filed objections to the report and recommendation on September 2, 2011.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's special report

is construed as a motion for summary judgment and, as such, is due to be granted and this action is due to be dismissed with prejudice. A Final Judgment will be entered.

DONE this 27th day of September, 2011.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

United States District Judge